

REMARKS

In the non-final Office Action, the Examiner indicates that claim 18 is allowed; and rejects claims 12-15, 17, 19-22, and 24 under 35 U.S.C § 101 as allegedly directed to non-statutory subject matter. Applicants thank the Examiner for the allowance and respectfully traverse the rejection.

By way of the present amendment, Applicants amend claims 12 and 19-21 to improve form. No new matter has been added by way of the present amendment. Claims 12-15, 17, 19-22 and 24 remain pending.

Allowable subject matter

Claim 18 stands allowed. Additionally, claims 12-15, 17, 19-22, and 24 are in condition for allowance, upon overcoming the rejection under 35 U.S.C. § 101. Applicants thank the Examiner for the allowance.

Rejection under 35 U.S.C. § 101

Claims 12-15, 17, 19-22, and 24 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Without acquiescing in this rejection, Applicants have amended independent claims 12 and 19-21 solely to expedite prosecution and to address the Examiner's concerns. Claims 13-15 and 17 depend from claim 12, and claims 22 and 24 depend from claim 21. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12-15, 17, 19-22, and 24 under 35 U.S.C. § 101.

Conclusion

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 18-1945 and please credit any excess fees to such deposit account.

Dated: October 2, 2009

Respectfully submitted,

/Daniel B. Gurman/

Daniel B. Gurman

Registration No.: 64,105

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110

(617) 951-7000

(617) 951-7050 (Fax)

Agent For Applicants